

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

COMPLAINT NO. VCRB 2018-42

**JEFF J. NECCUZI,
Former Director of the Division of Immunization
Services, Office of Epidemiological
and Prevention Services, Bureau for Public Health,
Department of Health and Human Resources**

CONCILIATION AGREEMENT

The West Virginia Ethics Commission and Jeff J. Neccuzi voluntarily enter into the following Conciliation Agreement pursuant to W. Va. Code § 6B-2-4(t) to resolve all potential charges arising from allegations in the above-referenced Complaint.

Findings of Fact

1. The Respondent, Jeff J. Neccuzi, at all relevant times herein, was the Director of the Division of Immunization Services within the Office of Epidemiological and Prevention Services, Bureau for Public Health, Department of Health and Human Resources.

2. The Respondent was therefore a “public employee” or “public official” as defined in the West Virginia Governmental Ethics Act (“Ethics Act”) at W. Va. Code § 6B-1-3(k).

3. The Ethics Commission has jurisdiction over alleged violations of the Ethics Act, W. Va. Code §§ 6B-1-1 through 6B-3-11, committed by public employees and officials, such as Respondent.

4. Pursuant to W. Va. Code § 6B-2-6(a)(3) and (e), the Respondent was

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required to file Financial Disclosure Statements each year with the West Virginia Ethics Commission while he worked as the Director of the Division of Immunization Services within the Office of Epidemiological and Prevention Services, Bureau for Public Health, Department of Health and Human Resources.

5. The Respondent was unaware that he was required to file Financial Disclosure Statements with the Ethics Commission.

6. The Respondent did not, therefore, file Financial Disclosure Statements with the Ethics Commission.

7. The Respondent no longer works in a position that is required to file Financial Disclosure Statements with the Ethics Commission.

Relevant Legal Provisions

W. Va. Code § 6B-2-6 states:

Financial disclosure statement; filing requirements.

(a) The financial disclosure statement shall be filed on February 1 of each calendar year to cover the period of the preceding calendar year, except insofar as may be otherwise provided herein. The following persons must file the financial disclosure statement required by this section with the Ethics Commission:

(1) All elected officials in this state, including, but not limited to, all persons elected statewide, all county elected officials, municipal elected officials in municipalities which have, by ordinance, opted to be covered by the disclosure provisions of this section, all members of the several county or district boards of education and all county or district school board superintendents;

(2) All members of state boards, commissions and agencies appointed by the Governor; and

(3) Secretaries of departments, commissioners, deputy commissioners, assistant commissioners, directors, deputy directors,

assistant directors, department heads, deputy department heads and assistant department heads.

A person who is required to file a financial disclosure statement under this section by virtue of becoming an elected or appointed public official whose office is described in subdivision (1), (2) or (3) of this subsection, and who assumes the office less than ten days before a filing date established herein or who assumes the office after the filing date, shall file a financial disclosure statement for the previous twelve months no later than thirty days after the date on which the person assumes the duties of the office, unless the person has filed a financial disclosure statement with the commission during the twelve-month period before he or she assumed office.

...

(e) No person shall fail to file a statement required by this section.

Conciliation of Violation

I, Jeff J. Neccuzi, acknowledge that I was required to file Financial Disclosure Statements by the Ethics Act while I held the title of Director of the Division of Immunization Services within the Office of Epidemiological and Prevention Services, Bureau for Public Health, Department of Health and Human Resources. I state, however, that I was never informed that I was required to file Financial Disclosure Statements. To resolve this matter, I enter into this Agreement.

The Ethics Commission and the Respondent agree to the imposition of no sanctions in this matter.

For this Conciliation Agreement to be finalized, the Commission must approve the Agreement and determine whether to impose sanctions.

I understand and agree that if the Ethics Commission fails to approve this Conciliation Agreement, then this Conciliation Agreement is null and void and the

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Complaint against me will proceed in accordance with West Virginia Code and the Ethics Commission's Legislative Rules.

If the Ethics Commission approves this Agreement, it will enter an Order which approves the Agreement and sets forth no sanctions in this matter.

Both parties understand that, pursuant to W. Va. Code § 6B-2-4(t), the Conciliation Agreement and Commission Order must be made available to the public.

5/2/19
Date

Robert J. Wolfe
Robert J. Wolfe Chairperson
West Virginia Ethics Commission

4-15-2019
Date

Jeff J. Neccuzi
Jeff J. Neccuzi, Respondent

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

COMPLAINT NO. VCRB 2018-042

**JEFF J. NECCUZI,
Former Director of the Division of Immunization
Services within the Office of Epidemiological
and Prevention Services, Bureau for Public Health,
Department of Health and Human Resources**

COMMISSION'S ORDER

After considering the Findings of Fact, Relevant Legal Provisions and Conciliation of Violation in the Conciliation Agreement, the West Virginia Ethics Commission finds that the Conciliation Agreement is in the best interest of the State and Jeff J. Neccuzi as required by W. Va. Code § 6B-2-4(t). In accordance with W. Va. Code § 6B-2-4(s), the Commission imposes no sanctions in this matter.

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5/7/19
Date

Robert J. Wolfe
Robert J. Wolfe, Chairperson
West Virginia Ethics Commission